

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LUCIA PITCHER,

2:12-CV-1499 JCM (CWH)

**Plaintiff(s),**

V.

MICHAEL J. ASTRUE,

Defendant(s).

## ORDER

Presently before the court is Magistrate Judge Hoffman's report and recommendation dismissing plaintiff Lucia Pitcher's complaint with prejudice (doc. # 3). (Doc. # 4). No objections to the report and recommendation have been filed.<sup>1</sup>

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

<sup>1</sup> The court notes that plaintiff sent a letter requesting more time to respond because she is sick. (Doc. # 5-1). While the magistrate judge properly issued a minute order stating that letters to the court will be disregarded (doc. # 5); the court, in an abundance of fairness, waited two additional weeks for plaintiff to respond. To date, she has not responded.

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
2 judge’s report and recommendation where no objections have been filed. *See United States v.*  
3 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the  
4 district court when reviewing a report and recommendation to which no objections were made); *see*  
5 *also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s  
6 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any  
7 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s  
8 recommendation, then this court may accept the recommendation without review. *See e.g.,*  
9 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge’s recommendation  
10 to which no objection was filed).

11        Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
13 and the underlying court order (doc. # 2) and complaint (doc. # 3), this court finds good cause to  
14 adopt the magistrate's findings in full.

15 | Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
17 recommendation of Magistrate Judge Hoffman dismissing plaintiff Lucia Pitcher's complaint with  
18 prejudice (doc. # 4) be, and the same hereby is, ADOPTED in its entirety.

19 IT IS FURTHER ORDERED that plaintiff's complaint (doc. # 3) be, and the same hereby  
20 is, DISMISSED with prejudice because plaintiff failed to file an amended complaint within 30 days  
21 of the court's August 30, 2012, order.

22 || DATED November 2, 2012.

James C. Mahan  
**UNITED STATES DISTRICT JUDGE**